

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Frank Damas Jones, #265988,)	C/A No.: 9:09-2266-JFA-BM
)	
Plaintiff,)	
vs.)	O R D E R
)	
Inmate,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Frank Damas Jones, initiated this action pursuant to 42 U.S.C. § 1983 contending that while he was an inmate at the Evans Correctional Institution, his eye was permanently injured by an inmate during a dispute.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be summarily dismissed for failure to state a claim. The Magistrate Judge notes that defendant, an unnamed inmate, is not a “person” subject to suit under 42 U.S.C. § 1983.

The plaintiff was advised of his right to file objections to the Report and Recommendation which was filed on September 30, 2009. He did not file objections to the Report.

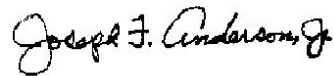
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and the Report is incorporated herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 3, 2009
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge